



City of Seattle
Edward B. Murray, Mayor

Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 3017002
Applicant Name: Johnston Architects for 24 Union LLC
Address of Proposal: 2407 East Union Street

SUMMARY OF PROPOSAL

Land Use Application to allow a 4-story structure containing 39 residential units above 3,000 sq. ft. of retail and 2 live/work units. Parking for 21 vehicles to be provided within the structure. Existing structures to be demolished.

The following approvals are required:

Design Review pursuant to Chapter 23.41, Seattle Municipal Code, with Departures:

Development Standard Departure to allow less than the required amount of commercial use along the structure's street level street-facing façade (SMC 23.47A.008.C.)

Development Standard Departure to allow an encroachment into the required setback for structures between 13 and 40 feet in height (SMC 23.47A.014.B.3).

Development Standard Departure to allow an encroachment into the required setback for structures containing a residential use next to a lot line that abuts a lot in a residential zone (SMC 23.47A.014.B.3).

Development Standard Departure to allow a portion of the street level, street-facing façade to not have an intervening use between the right-of-way and the parking (SMC 23.47A.032.B.1.b).

SEPA – Environmental Determination – Chapter 25.05, Seattle Municipal Code.

SEPA DETERMINATION: ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading or demolition, or involving another agency with jurisdiction.

Site

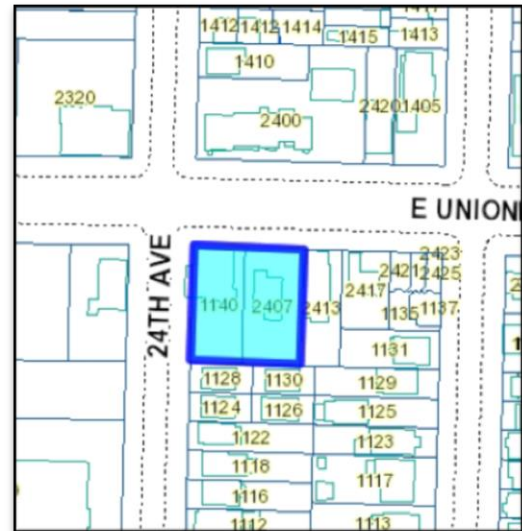
Site Zone: NC2P-40, 23rd and Union
Residential Urban Village

Nearby Zones: (North) NC2P-40
(South) LR2
(East) NC2P-40
(West) NC2P-40

Lot Area: 13,560 square feet

Site Development

The subject site includes one single-family structure and one commercial structure. Surface parking for the commercial structure is located off 24th Avenue. All existing structures are proposed for demolition.



Surrounding Development and Neighborhood Character

The surrounding development and neighborhood character consists of two-story townhouse development to the south, one-story commercial development with surface parking to the west, two-story multi-family development to the north, and a two-story commercial use to the east.

The area includes a mix of single-family and multiple-family structures. Many of the single-family structures are wood frame structures with a Queen Anne cottage design. *Richlen's Grocery*, a commercial structure northwest of the site, is a historical site, and is an example of one of the few remaining brick mixed-use building that was developed at major streetcar intersections throughout the city.

I. ANALYSIS – DESIGN REVIEW

EARLY DESIGN GUIDANCE MEETING: April 23, 2014

DESIGN PROPOSAL

The Early Design Guidance (EDG) Design Proposal booklet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The booklet is also available to view in the DPD file, by contacting the Public Resource Center at DPD:

Mailing Address: **Public Resource Center**
700 Fifth Ave., Suite 2000
P.O. Box 34019
Seattle, WA 98124-4019

Email: PRC@seattle.gov

DESIGN DEVELOPMENT

The architect presented three design concepts. All schemes propose retail at the corner of East Union Street and 24th Avenue, vehicular access from 24th Avenue, and a mix of commercial, residential, and live-work units.

Scheme A is identified as the zoning compliant option and contains six live-work units, retail at the corner and east along East Union Street, and no parking. The residential units above are oriented toward the north or the south with access via a central interior hallway.

Scheme B splits the structure's mass into two parts with the main pedestrian access on 24th Avenue, and central exterior walkways accessing the residential units on floors two through four. These residential units face north or south. On the ground floor the retail is concentrated in the center of the East Union Street façade, and live-work units dominate the 24th Avenue façade. Vehicular parking is proposed in this scheme, and is accessed via a driveway near the southern property line.

Scheme C, the preferred option, underscores the intention of placing retail at the corner, and gradually reducing intensity of use along East Union Street from west to east (commercial to live-work units). The applicant noted that East Union Street is sloped at this location, with the zoning transitioning from Neighborhood Commercial (NC2-P40) to Lowrise 2. The programming of the ground floor is a response to this change in scale. As with the other schemes, vehicular parking is accessed from 24th Avenue. The massing is shifted to the northwest, leaving a 15-foot setback to the single-family structures to the south and a 10-foot setback to the east.

PUBLIC COMMENT SUMMARY

The following comments were expressed at the Early Design Guidance meeting:

- Encouraged additional landscaping within the deck along the southern property line.
- Suggested greater articulation of the building along the southern property line to reduce the bulk of the structure.
- Emphasized privacy as a major concern, recommending screening and setbacks along the southern property line.
- Supported the increase in density and intensity at this location.
- Encouraged respect for the architectural character of the area.
- Encouraged further articulation of all façades.

FINAL RECOMMENDATION MEETING: October 8, 2013

DESIGN PROPOSAL

The Recommendation Design Proposal booklet includes materials presented at the meeting, and is available online by entering the project number at this website:

http://www.seattle.gov/dpd/Planning/Design_Review_Program/Project_Reviews/Reports/default.asp.

The booklet is also available to view in the DPD file, by contacting the Public Resource Center at DPD:

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DESIGN DEVELOPMENT

In response to the Early Design Guidance (EDG), the applicant described how the design concept for the preferred scheme had been further developed. The applicant specifically addressed the transition from commercial to residential zoning along 24th Avenue, noting modifications including relocation of the utility vault to the interior of the building, increasing the size and transparency of the bike room, and the inclusion of cascading planters at the southwest corner and southern edge of the building.

Along the southern façade, a window study was conducted to inform areas in which enhanced privacy would be necessary. To increase privacy and help transition to the neighboring properties to the south, the proposal included stepping back the central portion of the upper floors, incorporating mesh railings for screening, and increasing the width of the second floor patio planters while sinking them down into the patio platform structure.

Proposed landscaping includes use of year-round lush plants to act as a buffer, setbacks and planters on the roof terrace, and perimeter trees along the southern edge of the project for screening.

The materials and finishes include pre-weathered steel panel siding, horizontal cedar accent siding with semi-transparent stain, black vinyl windows, steel railings with woven wire mesh, painted cement board panel siding, steel canopies with cedar soffit, reclaimed fir entries and board formed concrete. Entry portals for the pedestrian entrances along East Union Street are emphasized. Incorporation of bi-folding doors and windows at ground floor are intended to enhance to the pedestrian experience and add to the activity of the corner of East Union Street and 24th Avenue. Additionally, a large canopy on the first floor is included to emphasize the prominence of this corner.

PUBLIC COMMENT SUMMARY

The following comments were expressed at the Recommendation meeting:

- Supported the redevelopment of this property and expressed excitement for the activity that it will bring.
- Supported the increase in density and intensity at this location.
- Supported the modifications that were made since EDG, specifically along the southern portion of the building, but expressed some concerns with the overall scale and impacts on privacy of neighboring properties.
- Expressed concern for privacy and potential impacts of shadows related to the general bulk and scale of the project and the setback departure along the southern property line.

<h2>PRIORITIES & BOARD RECOMMENDATIONS</h2>
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After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members provided the following siting and design guidance.

EARLY DESIGN GUIDANCE (APRIL 23, 2014)

- 1. Massing and Site Response.** The Board agreed that Scheme C provided the best option for arrangement of uses, location of entries, and transition to adjacent properties (CS2-B, DC1-A, PL3-B).
 - a. The Board supported the initial design response to the corner condition, and recommended a continued design focus on the corner expression ensuring accessibility for all (PL2 -A, PL3-A, PL4-A).
 - b. The Board supported the 15-foot setback and second level deck at the south facade, and asked for additional landscaping at this location to provide additional privacy for the residential development adjacent to the south (CS2-D, DC4-D).
 - c. The Board agreed that vehicular access ought to be from 24th Avenue rather than East Union Street. The Board encouraged further exploration of the interaction among uses at this location (CS2-B, PL3-B, PL4-A).
 - d. The Board supported the departure request for side yard setback at the south façade (CS2-B, CS2-C, CS2-D).
- 2. Transition to South.** The Board supported the initial design concept, including the setback at the south and landscaping to provide an appropriate transition to the residential zone to the south (CS2-D, DC4-D).
 - a. The Board recommended further development of façade composition, texture, articulation, and building materials to further express the transition from commercial to residential zoning along 24th Avenue (DC1-A, DC2-B, DC4-A).
 - b. The Board supported the conceptual design of the decks on the east and south sides giving particular attention to using appropriate landscaping for privacy (CS3-D, DC2-A, DC3-D).
 - c. The Board requested a privacy study documenting the visual relationship between the proposed deck on the south façade and the adjacent development to the south. Elevation views should detail existing windows and outdoor space whose privacy will be impacted by proposed development. The location of existing windows should inform the location of proposed windows and landscape screening along the deck on the south façade (CS2-D).
- 3. Ground Level Uses and Access.** The 24th Avenue façade response to the public realm may be a challenge due to the need to place services and access on this façade. The Board recommended use of high quality elements and finishes to enhance human scale and interaction (CS2-B, DC1-A, PL3-B).
 - a. The Board noted that the design should locate uses and transparency to maximize activation and safety of the pedestrian experience along the 24th Avenue façade (CS1-C, PL1-B, PL2-B).
 - b. The bike storage space on 24th Avenue should be designed to encourage human activity and visual interest. The Board noted that the room should include creative bicycle themes and large amounts of transparency, in order to provide visual interest at the sidewalk (CS2-B, PL3-A, PL3-B, PL4-A, DC1-A).
 - c. The Board supported the proposed retail at the northwest corner, and encouraged adequate accessibility for all (PL2-A, PL3-A, PL4-A).
 - d. The Board agreed that 24th Avenue seemed to be the best option for placement of the driveway, and recommended it be designed to be safe for users and pedestrians, while also minimizing visual impacts to the street frontage (CS2-B, DC1-A, PL3-A, PL3-B, PL4-A).

- e. The Board expressed some concern about the façade treatment at the proposed solid waste storage entrance, but agreed it is best accessed from 24th Avenue. The use of high quality elements and treatments on this façade was recommended (CS2-B, PL3-A).

4. Colors and Materials. In order to respond to the street-level experience, the Board recommended the use of high quality elements, architectural features, details, and finishes that are of human scale to provide a strong connection between the project and the public realm (CS2-B, DC2-D, DC4-A, PL2-B).

- a. The Board noted that the overall design should set a context of visual interest and human scale at the street level (CS3-A, DC4-A).
- b. The Board recommended that the proposed application of materials be thoughtfully detailed to enhance the design concept and human interaction, especially along the 24th Avenue facade (DC2-B, DC2-D, DC4-A).
- c. The Board expressed concern regarding blank walls on 24th Avenue, and recommended that any blank walls resulting from the garage entrance should include design treatments of high quality elements and finishes to respond to human scale and visual interest (DC2-B, DC3-D, DC4-A).

RECOMMENDATION (OCTOBER 8, 2014)

1. Transition to the South. The Board supported the design concept and landscaping proposed to transition from commercial uses at East Union Street, to the residential zone to the south (CS2-D, DC4-D).

- a. The Board suggested consideration of additional modulation, setbacks, and/or secondary architectural features on the upper floors along 24th Avenue to further transition in height, bulk, and scale to the residential zone to the south (CS2-D, DC2-A, DC2-B).
- b. The Board expressed concern with the pedestrian safety and visibility along 24th Avenue near the garage and bike room entrances, and noted that lighting and landscaping will be an important component for pedestrian safety in this area (PL2-B, PL4-A, DC4-C, DC4-D).
- c. The Board supported the size and transparency of the bike room along 24th Avenue, identifying it as an important component of enhancing the public realm (PL2-B, PL4-B, DC1-A, DC4-A).

2. Colors and Materials. The Board supported the use of high quality materials, architectural features, details, and finishes (CS2-B, DC2-D, DC4-A).

- a. The Board noted that the quality of materials and proposed architectural details, including the pre-weathered steel panel siding, cedar accent siding with transparent stain and natural color variation in the wood, and board-formed concrete, are critical to the design concept (DC4-A).
- b. The Board acknowledged that the proposed stencil artwork for the building may enhance the façade if executed well, but was not a necessary element of the project (CS3-B, DC2-B, DC2-D).

The Citywide and Neighborhood specific guidelines are summarized below. For the full text please visit the [Design Review website](#).

CONTEXT & SITE

CS1 Natural Systems and Site Features: Use natural systems/features of the site and its surroundings as a starting point for project design.

CS1-C Topography

CS1-C-1. Land Form: Use natural topography and desirable landforms to inform project design.

CS1-C-2. Elevation Changes: Use the existing site topography when locating structures and open spaces on the site.

CS2 Urban Pattern and Form: Strengthen the most desirable forms, characteristics, and patterns of the streets, block faces, and open spaces in the surrounding area.

CS2-A Location in the City and Neighborhood

CS2-A-2. Architectural Presence: Evaluate the degree of visibility or architectural presence that is appropriate or desired given the context, and design accordingly.

CS2-B Adjacent Sites, Streets, and Open Spaces

CS2-B-2. Connection to the Street: Identify opportunities for the project to make a strong connection to the street and public realm.

CS2-C Relationship to the Block

CS2-C-1. Corner Sites: Corner sites can serve as gateways or focal points; both require careful detailing at the first three floors due to their high visibility from two or more streets and long distances.

CS2-D Height, Bulk, and Scale

CS2-D-1. Existing Development and Zoning: Review the height, bulk, and scale of neighboring buildings as well as the scale of development anticipated by zoning for the area to determine an appropriate complement and/or transition.

CS2-D-2. Existing Site Features: Use changes in topography, site shape, and vegetation or structures to help make a successful fit with adjacent properties.

CS2-D-3. Zone Transitions: For projects located at the edge of different zones, provide an appropriate transition or complement to the adjacent zone(s). Projects should create a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zone and the proposed development.

CS2-D-4. Massing Choices: Strive for a successful transition between zones where a project abuts a less intense zone.

CS2-D-5. Respect for Adjacent Sites: Respect adjacent properties with design and site planning to minimize disrupting the privacy of residents in adjacent buildings.

CS3 Architectural Context and Character: Contribute to the architectural character of the neighborhood.

CS3-A Emphasizing Positive Neighborhood Attributes

CS3-A-4. Evolving Neighborhoods: In neighborhoods where architectural character is evolving or otherwise in transition, explore ways for new development to establish a positive and desirable context for others to build upon in the future.

PUBLIC LIFE

PL2 Walkability: Create a safe and comfortable walking environment that is easy to navigate and well-connected to existing pedestrian walkways and features.

PL2-A Accessibility

PL2-A-1. Access for All: Provide access for people of all abilities in a manner that is fully integrated into the project design. Design entries and other primary access points such that all visitors can be greeted and welcomed through the front door.

PL2-B Safety and Security

PL2-B-2. Lighting for Safety: Provide lighting at sufficient lumen intensities and scales, including pathway illumination, pedestrian and entry lighting, and/or security lights.

PL2-B-3. Street-Level Transparency: Ensure transparency of street-level uses (for uses such as nonresidential uses or residential lobbies), where appropriate, by keeping views open into spaces behind walls or plantings, at corners, or along narrow passageways.

PL3 Street-Level Interaction: Encourage human interaction and activity at the street-level with clear connections to building entries and edges.

PL3-A Entries

PL3-A-1. Design Objectives: Design primary entries to be obvious, identifiable, and distinctive with clear lines of sight and lobbies visually connected to the street.

PL3-A-2. Common Entries: Multi-story residential buildings need to provide privacy and security for residents but also be welcoming and identifiable to visitors.

PL3-A-3. Individual Entries: Ground-related housing should be scaled and detailed appropriately to provide for a more intimate type of entry.

PL3-B Residential Edges

PL3-B-1. Security and Privacy: Provide security and privacy for residential buildings through the use of a buffer or semi-private space between the development and the street or neighboring buildings.

PL3-B-3. Buildings with Live/Work Uses: Maintain active and transparent facades in the design of live/work residences. Design the first floor so it can be adapted to other commercial use as needed in the future.

PL3-B-4. Interaction: Provide opportunities for interaction among residents and neighbors.

PL4 Active Transportation: Incorporate design features that facilitate active forms of transportation such as walking, bicycling, and use of transit.

PL4-A Entry Locations and Relationships

PL4-A-1. Serving all Modes of Travel: Provide safe and convenient access points for all modes of travel.

PL4-A-2. Connections to All Modes: Site the primary entry in a location that logically relates to building uses and clearly connects all major points of access.

DESIGN CONCEPT

DC1 Project Uses and Activities: Optimize the arrangement of uses and activities on site.

DC1-A Arrangement of Interior Uses

DC1-A-1. Visibility: Locate uses and services frequently used by the public in visible or prominent areas, such as at entries or along the street front.

DC2 Architectural Concept: Develop an architectural concept that will result in a unified and functional design that fits well on the site and within its surroundings.

DC2-A Massing

DC2-A-2. Reducing Perceived Mass: Use secondary architectural elements to reduce the perceived mass of larger projects.

DC2-B Architectural and Facade Composition

DC2-B-1. Façade Composition: Design all building facades—including alleys and visible roofs—considering the composition and architectural expression of the building as a whole. Ensure that all facades are attractive and well-proportioned.

DC2-B-2. Blank Walls: Avoid large blank walls along visible façades wherever possible. Where expanses of blank walls, retaining walls, or garage facades are unavoidable, include uses or design treatments at the street level that have human scale and are designed for pedestrians.

DC2-D Scale and Texture

DC2-D-1. Human Scale: Incorporate architectural features, elements, and details that are of human scale into the building facades, entries, retaining walls, courtyards, and exterior spaces in a manner that is consistent with the overall architectural concept.

DC2-D-2. Texture: Design the character of the building, as expressed in the form, scale, and materials, to strive for a fine-grained scale, or “texture,” particularly at the street level and other areas where pedestrians predominate.

DC4 Exterior Elements and Finishes: Use appropriate and high quality elements and finishes for the building and its open spaces.

DC4-A Exterior Elements and Finishes

DC4-A-1. Exterior Finish Materials: Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

DC4-D Trees, Landscape, and Hardscape Materials

DC4-D-1. Choice of Plant Materials: Reinforce the overall architectural and open space design concepts through the selection of landscape materials.

DC4-D-3. Long Range Planning: Select plants that upon maturity will be of appropriate size, scale, and shape to contribute to the site as intended.

DC4-D-4. Place Making: Create a landscape design that helps define spaces with significant elements such as trees.

DEVELOPMENT STANDARD DEPARTURES

The Board’s recommendation on the requested departures will be based on the departure’s potential to help the project better meet these design guidelines priorities and achieve a better overall project design than could be achieved without the departures.

1. **Uses along a Principal Pedestrian Designated Street (SMC 23.47A.008.C.):** The Code requires that a minimum of 80 percent of the width of a structure’s street level street-facing façade (that faces a principal pedestrian street) be occupied by certain commercial uses listed in SMC 23.47A.005.D.1. The remaining 20 percent may contain

other permitted uses such as residential and/or pedestrian entrances. The applicant's departure requests that the required 80 percent be reduced to 63 percent of the structure's street level street-facing façade to contain approved uses, and the remaining width to contain residential and live-work uses.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board indicated that the live-work units promote a thoughtful transition in intensity from west to east, consistent with the zoning and development along East Union Street (CS2-D-1.).

2. **Setback Requirement (SMC 23.47A.014.B.3.):** The Code requires that the portion of the structure between 13- and 40-feet in height be set back from adjacent residential uses by a minimum of 15-feet. The applicant proposes compliance with this requirement save for an area five and a half inches by 14-feet eight and a half inches, at the southeast corner of the site. This departure request is in response to the existing topography of the site, and the desire to maintain a 13-foot floor-to-floor retail space at the northwest corner, and provide a matching elevation with the existing sidewalk (CS2-A, CS2-B, PL2-A).

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board agreed that the departure request encourages a design that better meets the design guidelines by ensuring accessibility for all at the corner retail space (PL2-A, PL3-A, PL4-A).

3. **Setback Requirement (SMC 23.47A.014.B.3.):** The Code requires structures containing a residential use to set back along any side lot line that abuts a lot in a residential zone. The setback shall apply to that portion of the structure above 40-feet, and shall be at the rate of two-feet of setback for every 10-feet by which the height of such portion exceeds 40-feet. The applicant proposes penetrating this setback requirement by approximately three-feet for a distance of approximately 31-feet. The departure request is in response to the existing topography of the site and a desire to maintain a continuous vertical south façade height at the fourth floor.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board agreed that the departure request is a good response to the existing topography of the site by maintaining a continuous vertical south façade height at the fourth floor (CS1-C, CS2-B, CS2-D, DC2-3).

4. **Intervening Use between Garage and Street (SMC 23.47A.032.B.1.b.):** The Code requires an intervening use between parking within a structure and the right-of-way. As an intervening use, the applicant proposes a bike storage room at the north side of the garage, and a green wall at the south end. The applicant finds that these elements respond to the existing neighborhood character and adjacent sites by transitioning in intensity from north to south.

At the Recommendation meeting, the Board unanimously recommended that DPD grant the departure. The Board supported the use of high quality elements that will provide enhanced texture, interaction, and human scale to the pedestrian experience (DC2-B, DC3-D, DC4-A).

BOARD RECOMMENDATION

After considering the site and context, hearing public comment, reconsidering the identified design priorities and reviewing the material, the Board recommended APPROVAL of the subject design.

DECISION – DESIGN REVIEW

Director's Analysis

Five members of the East Design Review Board were in attendance and provided recommendations (listed above) to the Director and identified elements of the Design Guidelines that are critical to the project's overall success. The Director must provide additional analysis of the Board's recommendations and then accept, deny or revise the Board's recommendations (SMC 23.41.014.F.3). The Director agrees with and accepts the conditions recommended by the Board that further augment the selected Guidelines.

Following the Recommendation meeting, DPD staff worked with the applicant to update the submitted plans to include the recommendations of the Design Review Board. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Director agrees with the Design Review Board's conclusion that the proposed project and conditions imposed result in a design that best meets the intent of the Design Review Guidelines and accepts the recommendations noted by the Board. The Director is satisfied that all of the recommendations imposed by the Design Review Board have been met.

Director's Decision

The design review process is prescribed in Section 23.41.014 of the Seattle Municipal Code. Subject to the above-proposed conditions, the design of the proposed project was found by the Design Review Board to adequately conform to the applicable Design Guidelines. The Director of DPD has reviewed the decision and recommendations of the Design Review Board made by the five members present at the decision meeting, provided additional review and finds that they are consistent with the City of Seattle Design Review Guidelines for Multifamily and Commercial Buildings. The Design Review Board agreed that the proposed design, along with the conditions listed, meets each of the Design Guideline Priorities as previously identified. Therefore, the Director accepts the Design Review Board's recommendations and **CONDITIONALLY APPROVES** the proposed design and the requested departures with the conditions summarized at the end of this Decision.

II. ANALYSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), Washington Administrative Code (WAC) 197-11, and the Seattle SEPA Ordinance (SMC 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant. The Department of Planning and Development (DPD) has analyzed and annotated the environmental checklist submitted by the project applicant, reviewed the project plans, any additional information in the file, and considered any pertinent comments which may have been received regarding this proposed action. As indicated in the checklist, this action may result in adverse impacts to the environment; however, due to their temporary nature or limited effects, the impacts are not expected to be significant.

The *SEPA Overview Policy* (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The *SEPA Overview Policy* states, in part, “Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation” subject to some limitations (SMC 25.05.665). Under such limitations, mitigation may be considered; a detailed discussion of some of the impacts is appropriate.

Codes and development regulations applicable to this proposed project that will provide mitigation for short and/or long term impacts may include the *Stormwater Code* (SMC 22.800-808), the *Grading Code* (SMC 22.170), the *Street Use Ordinance* (SMC Title 15), the *Seattle Building Code*, and the *Noise Control Ordinance* (SMC 25.08). Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. Additional discussion of short- and long-term impacts, and conditions to sufficiently mitigate impacts where necessary, is found below.

Public Comment:

The SEPA public comment period ended June 18, 2014. Comments were received in response to the design review aspects of the proposal.

A. SHORT-TERM IMPACTS

Temporary or construction-related impacts are anticipated to result in some adverse impacts. Examples of impacts may include temporary soil erosion, decreased air quality due to increased dust and other suspended air particulates during excavation, filling and transport of materials to and from the site, increased noise and/or vibration from construction operations and equipment, increased traffic and parking demand from construction personnel traveling to and from the work site, consumption of renewable and non-renewable resources, and/or an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. Compliance with applicable codes and ordinances will reduce or eliminate most adverse short-term impacts to the environment.

Construction Impacts: Parking, Traffic, and Noise

The site is located on the southeast corner of East Union Street and 24th Avenue within the 23rd and Union Residential Urban Village, a pedestrian zone, and on a segment of 24th Avenue with restricted on-street parking. Frequent transit service and bike lanes are provided on East Union Street. Considering the site’s location, the construction of the project is expected to have adverse impacts on both the vehicular and pedestrian traffic in the vicinity.

During construction a temporary increase in traffic volumes to the site is expected due to travel to the site by construction workers and the transport of construction materials. Furthermore, additional parking demand from construction vehicles is expected to further exacerbate the supply of on-street parking. It is the City's policy to minimize temporary adverse impacts associated with construction activities. The Street Use Ordinance contains regulations that mitigate dust, mud, and circulation. Any temporary closure of the sidewalk and/or traffic lane(s) is regulated with a street use permit through the City of Seattle Department of Transportation. The street and sidewalk closures and haul routes identified in the construction management plan are subject to review and approval by the Seattle Department of Transportation via a street use permit.

The submitted construction management plan also contains mitigating measures related to noise impacts. The construction management plan identifies intended mitigation including, but not limited to: a contact person for concerns or questions, construction milestones/project timeline, and hours of operation. The applicable portions of the plan related to noise have reviewed and approved.

B. LONG-TERM IMPACTS

Long term or use-related impacts are also anticipated as a result of this proposal. Examples of such impacts may include an increased surface water runoff due to greater site coverage by impervious surfaces, increased traffic in the area, an increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming, and increased demand for public services and utilities. Compliance with applicable codes and ordinances will reduce or eliminate most adverse long-term impacts to the environment; however, height, bulk and scale, historic preservation, and parking and traffic warrant further analysis.

Height, Bulk & Scale

The project went through a Design Review process which addressed the issue of height, bulk and scale; see the above Design Review Analysis for details of the process and design changes. “The Citywide Design Guidelines (and any Council-approved, neighborhood Design Guidelines) are intended to mitigate the same adverse height, bulk and scale impacts addressed in these policies. A project that is approved pursuant to the Design Review process is presumed to comply with the height, bulk and scale policies. This presumption may be rebutted only by clear and convincing evidence that height, bulk and scale impacts documented through environmental review have not been adequately mitigated. Any additional mitigation imposed by the decision maker pursuant to these height, bulk and scale policies that have undergone design review shall comply with the design guidelines applicable to the project” (SMC 25.05.675.G). To further comply with the Design Review guidelines and guidance from the Design Review Board, a Design Review condition is included requiring that revisions be made to the upper floors of the west façade to further transition in height, bulk, and scale to the residential zone to the south. No further SEPA mitigation is warranted.

Historic Preservation

The existing structures on site are more than 50 years old, and proposed for demolition. The City of Seattle Department of Neighborhoods reviewed the existing structures and determined it is unlikely they would meet the criteria for individual landmark designation (Landmarks

Preservation Board Letter, LPB 804/14). No further mitigation is warranted for historic preservation impacts to the existing structures on site.

Parking and Traffic

The Traffic and Parking Analysis (Transportation Engineering Northwest, August 2014) estimates that the project could create parking demand as high as 33 spaces, with eight on-street spaces; however, the analysis notes that the actual demand anticipated is likely less than 33 spaces due to the proximity to transit, and vehicle ownership in the area. While on-site vehicular parking is not required due to the site's location within the 23rd and Union Residential Urban Village and proximity to frequent transit, 21 spaces are provided.

The trip generation estimated is 12 trips during the weekday AM peak hour, and 21 trips during the weekday PM peak hour. The DPD Transportation Planner reviewed the information and has determined that while these impacts are adverse, they are not expected to be significant. Furthermore, no SEPA authority is provided for mitigation of the impact of development on parking availability for residential uses at this location within the 23rd and Union Residential Urban Village. No mitigation for parking is available or warranted.

DECISION - STATE ENVIRONMENTAL POLICY ACT (SEPA)

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (Revised Code of Washington (RCW) 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21.030(2)(c).
- ☐ Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030 (2)(C).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the *Optional DNS Process* in WAC 197-11-355 and *Early Review DNS Process* in SMC 25.05.355. There is no further comment period on the DNS.

SEPA - CONDITIONS OF APPROVAL

Prior to Issuance of a Demolition, Excavation, or Construction Permit

1. The applicant shall submit a copy of applicable street use permits, approved by the Seattle Department of Transportation, for any right-of-way closures and/or haul routes.

DESIGN REVIEW - CONDITIONS OF APPROVAL

Prior to Issuance of a Construction Permit

2. The applicant shall provide documentation in the plan set(s) showing additional modulation, setback, and/or secondary architectural features on the upper floors along 24th Avenue to further transition in height, bulk, and scale to the residential zone to the south.

Prior to Certificate of Occupancy

3. The Land Use Planner shall inspect materials, colors, and design of the constructed project. All items shall be constructed and finished as shown at the design recommendation meeting and the subsequently updated Master Use Plan set. Any change to the proposed design, materials, or colors shall require prior approval by the Land Use Planner.
4. The applicant shall provide a landscape certificate from Director's Rule 10-2011, indicating that all vegetation has been installed per approved landscape plans. Any change to the landscape plans approved with this Master Use Permit shall be approved by the Land Use Planner.

For the Life of the Project

5. The building and landscape design shall be substantially consistent with the materials represented at the Recommendation meeting and in the materials submitted after the Recommendation meeting, before the MUP issuance. Any change to the proposed design, including materials or colors, shall require prior approval by the Land Use Planner.

Signature: (signature on file) Date: December 15, 2014
Carly Guillory
Land Use Planner
Department of Planning and Development

CAG:rgc
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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by DPD within that three years or it will expire and be cancelled (SMC 23-76-028). (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.